

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2009 JUN 25 P 2:42

TOTAL BASE BID 139,480.

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, June 25, 2009

Project Manager: Morgan Loatfi – 535-8350

**PENITENCIA CREEK PARK REACH 6 INTERN
IMPROVEMENTS**

BIDDER NAME: Tringhero Construction, Inc

✓ Bond _____ Cashier's Check _____

✓ Addendums Included (1)

YES _____ NO _____

✓ NonCollusion Affidavit

YES _____ NO _____



Department of Public Works

June 19, 2009

**ADDENDUM NO. 1
FOR THE
PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS PROJECT**.

BID DOCUMENTS

PROPOSAL TO CITY OF SAN JOSE

SCHEDULE OF QUANTITIES:

DELETE: The Schedule of Quantities

REPLACE: with the Attached Schedule of Quantities

CONTRACT

SCHEDULE OF QUANTITIES:

DELETE: The Schedule of Quantities

REPLACE: with the Attached Schedule of Quantities

SPECIFICATIONS:

GENERAL

ADD: Attached Appendix I

SECTION 10-9 ASPHALT CONCRETE – TRAIL IMPROVEMENTS

DELETE paragraph 3: Asphalt Surface Course for trail improvements: All asphalt surface course shall be Type "A", 3/4 inch maximum size aggregate, coarse class asphalt concrete as specified in Section 39, "Asphalt Concrete", of the City Standard Specifications.

REPLACE with the following: Asphalt Surface Course for trail improvements: All asphalt surface course shall be Type "A", 1/2 inch maximum size aggregate, medium class asphalt concrete as specified in Section 39, "Asphalt Concrete", of the City Standard Specifications.

Penitencia Creek Trail Reach 6 Interim Improvements

Addendum 1

June 19, 2009

Page 2 of 2

SECTION 10-13 CARPENTRY

DELETE section 10-13.3.2: Header board shall be constructed and installed in accordance with the details as shown on the plans.

ADD: The attached Appendix 1 to the end of your specifications.

PLANS:**SHEET 7 SITE LAYOUT PLAN**

ADD: Attached Addendum 1 - Drawing 1 of 5 dated 6/17/09 from Callander Associates

SHEET 8 SITE LAYOUT PLAN

ADD: Attached Addendum 1 - Drawing 2 of 5 dated 6/17/09 from Callander Associates

SHEET 9 DETAILS

DELETE: details 3, 6 and 8.

REPLACE with: Attached Addendum 1 - Drawings 3 thru 5 dated 6/17/09 from Callander Associates

SHEET 11 DETAILS

ADD: Coastal Conservancy Logo to temporary construction sign per attached guidelines. Actual logo will be provided at pre-construction meeting.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:

for Katy Allen
Katy Allen
Director
Public Works Department

Trinchero Construction Co., Inc.
Bidder's Name

June 25, 2009
Date

Donald Trinchero
Signature & Title of Bidder
Donald Trinchero, President

BID DOCUMENTS

**PENITENCIA CREEK TRAIL
REACH 6
INTERIM IMPROVEMENTS**

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, June 25, 2009

Bidder: Trinchero Construction Co., Inc.

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	10-2.2	MOBILIZATION	
2.	10-2.3	UTILITY CONFLICT COST ALLOWANCE	FIXED LUMP SUM \$ 5,000
3.	10-2.5	TEMPORARY EROSION & SEDIMENT CONTROL ALLOWANCE	FIXED LUMP SUM \$ 24,000
4.	10-2.4-10-2.8	SITE PREPARATION	
5.	10-3	EARTHWORK	
6.	10-6	MINERAL AGGREGATE TRAIL SURFACING	
7.	10-8	CONCRETE	
8.	10-9	ASPHALT CONCRETE- TRAIL IMPROVEMENTS	
9.	10-14	HYDROSEEDING	
10.	10-15	MISCELLANEOUS ITEMS	
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 10, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:>>>>>>>>>>>>>	\$ 150,000
NOTE TO BIDDERS: The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.			

**SCHEDULE OF QUANTITIES
FOR
PENTENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS**

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	10-2.2	MOBILIZATION	\$10,000.00
2.	10-2.3	UTILITY CONFLICT COST ALLOWANCE	FIXED LUMP SUM \$ 5,000
3.	10-2.5	TEMPORARY EROSION & SEDIMENT CONTROL ALLOWANCE	FIXED LUMP SUM \$ 24,000
4.	10-2.4-10-2.8	SITE PREPARATION	\$ 13,650.00
5.	10-3	EARTHWORK	\$27,550.00
6.	10-6	MINERAL AGGREGATE TRAIL SURFACING	\$ 11,220.00
7.	10-8	CONCRETE	\$ 3,640.00
8.	10-9	ASPHALT CONCRETE- TRAIL IMPROVEMENTS	\$ 34,060.00
9.	10-14	HYDROSEEDING	\$ 3,060.00
10.	10-15	MISCELLANEOUS ITEMS	\$ 7,300.00
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 10, INCLUSIVE) FOR THE LUMP SUM TOTAL OF: >>>>>>>>>	\$139,480.00

NOTE TO BIDDERS:
The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

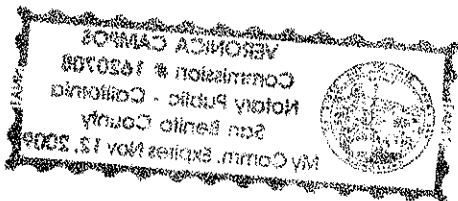
1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.



IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 17
day of June, 20 09.

PRINCIPAL

SURETY

Trinchero Construction Company, Inc.

Contractors Bonding and Insurance Company

Legal Company Name

Legal Company Name

Corporation

Indicate Type of Entity

By 

Title: Donald Trinchero, President

By 

Title: Ann S. Ferrante, Attorney In Fact

By _____

Title:

By _____

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Cruz

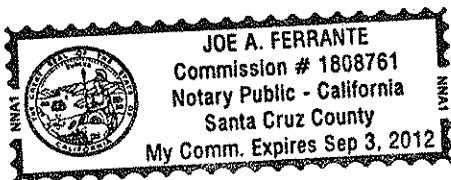
On June 17, 2009 before me, JOE A. FERRANTE, NOTARY PUBLIC

DATE

NAME, TITLE OF OFFICER

personally appeared Ann S. Ferrante

NAME(S) OF SIGNER(S)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), of the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Joe A. Ferrante
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- ☐ INDIVIDUAL
☐ CORPORATE

BID BOND

TITLE(S)

TITLE OR TYPE OF DOCUMENT

- ☐ PARTNER(S) ☐ LIMITED
☐ TRUSTEE(S) ☐ GENERAL
☒ ATTORNEY-IN-FACT
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

NUMBER OF PAGES

DATE OF DOCUMENT

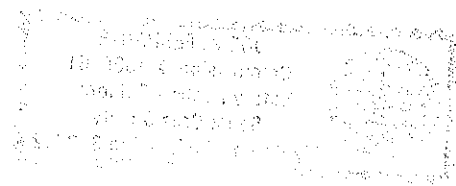
SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

Contractors Bonding and Insurance Company

Trinchero Construction Company, Inc.

SIGNER(S) OTHER THAN NAMED ABOVE





LIMITED POWER OF ATTORNEY

Not Valid for Bonds
Executed On or After: MAY 31ST, 2010

Power of Attorney
Number: 181787

READ CAREFULLY - to be used only with the bond specified herein

Only an unaltered original of this Power of Attorney document is valid. A valid original of this document is printed on gray security paper with black and red ink and bears the seal of Contractors Bonding and Insurance Company (the "Company"). The original document contains a watermark with the letters "cbic" embedded in the paper rather than printed upon it. The watermark appears in the blank space beneath the words "Limited Power of Attorney" at the top of the document and is visible when the document is held to the light. This document is valid solely in connection with the execution and delivery of the bond bearing the number indicated below, and provided also that the bond is of the type indicated below. This document is valid only if the bond is executed on or before the date indicated above.

KNOW ALL MEN BY THESE PRESENTS, that the Company does hereby make, constitute and appoint the following: **JOE A. FERRANTE, VIRGINIA L. MAZRY and ANN S. FERRANTE** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company: (1) any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000; and (2) consents, releases and other similar documents required by an obligee under a contract bonded by the Company. This appointment is made under the authority of the Board of Directors of the Company.

CERTIFICATE

I, the undersigned secretary of Contractors Bonding and Insurance Company, a Washington corporation, DO HEREBY CERTIFY that this Power of Attorney remains in full force and effect and has not been revoked, and, furthermore, that the resolutions of the Board of Directors set forth on the reverse are now in full force and effect.

Bond Number BID

Signed and sealed this 17 day of June, 2009

R. Kirk Eländ, Secretary

CBIC • 1213 Valley Street • P.O. Box 9271 • Seattle, WA 98109-0271
(206) 622-7053 • (800) 765-CBIC (Toll Free) • (800) 950-1558 (FAX)
Pc&LPOA.08-US0061307

Certificate of Appointment and Resolution of the Board of Directors

The undersigned President and Secretary of Contractors Bonding and Insurance Company hereby certify that the President has appointed the Attorney(s)-in-Fact identified on the front side of this power of attorney, under and by the authority of the following resolutions adopted by the Board of Directors of Contractors Bonding and Insurance Company at a meeting duly held on December 15, 1993:

RESOLVED, that the CEO, President, CFO, any Vice President, Secretary or any Assistant Secretary, and any other employee as may be specifically authorized by a particular board resolution (hereafter "Authorized Officer or Employee") may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and any Authorized Officer or Employee may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company:

- (i) when signed by the Authorized Officer or Employee and attested and sealed (if a seal be required); or
- (ii) when signed by the Authorized Officer or Employee, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any Authorized Officer or Employee and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company (unless otherwise specified in the power of attorney itself); and such signature and seal when so used shall have the same force and effect as though manually affixed.

RESOLVED FURTHER, that all previous resolutions of the Board of Directors concerning powers of attorney and attorneys-in-fact remain in full force and effect; that all forms of powers of attorney previously or in the future approved by the Board of Directors, including, but not limited to, so called "fax or facsimile powers of attorney", where the entire power of attorney is a facsimile, remain in full force and effect; and that one form of a power of attorney may be attached to one bond (for example, the form for which this resolution is a part may be attached to a bid bond), and another form of power of attorney may be attached to another bond (for example, a fax power of attorney may be attached to the final bond for a project for which the different form of power was attached to the bid bond) without affecting the validity of either power of attorney or bond.

IN WITNESS WHEREOF, Contractors Bonding and Insurance Company has caused these presents to be signed by its president and secretary, and its corporate seal to be hereunto affixed this 13th day of June, 2007.



Don Sirkin, President



Attest: R. Kirk Eland, Secretary

State of Washington
County of King

On June 13, 2007 before me, Brenda J. Scott Notary Public, personally appeared Don Sirkin and R. Kirk Eland personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me all that they executed the same in their authorized capacities and that by their signatures the entity upon behalf of which they acted executed the instrument.

WITNESS my hand and official seal.

Signature Brenda J. Scott

Brenda J. Scott, Notary Public

(seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, _____ as PRINCIPAL, and _____, a corporation duly organized under the laws of the State of _____ and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of _____ DOLLARS (\$ _____).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on June 25, 2009 for PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this
day of _____, 20____.

PRINCIPAL

SURETY

Legal Company Name

Legal Company Name

Indicate Type of Entity

By _____
Title:

By _____
Title:

By _____
Title:

By _____
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

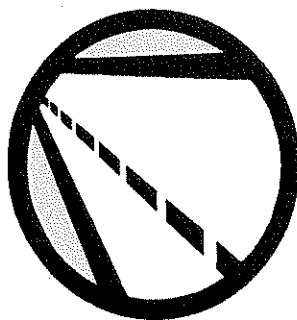
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STATEMENT OF BIDDER'S EXPERIENCE

Penitencia Creek Trail Reach 6 Interim Improvements

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as

TRINGHERO
CONSTRUCTION, Inc.
 License #435406



FINANCIAL RESPONSIBILITY AND EXPERIENCE REFERENCES

PROJECT OWNER	PROJECT	CONTRACT
Arcadia Development Co. Ron Mossbarger 408 286-4440	Jackson Glen Tract 8481 Rancho Hills Estates The Woods	\$246,058.00 \$788,065.00 \$2,161,308.00
DeAnza Properties John Vidovich Jim Sisk 408 738-4444	Ashford Highlands Tract 8930	\$3,583,231.00
Dividend Homes, Inc. Bob Martin 408 779-5900	Coyote Ranch Phase I - 9 Mission Ranch Phase 1-8 Cochrane Rd Extension Cotswold Place Mirasol I, II, III Isabelle Ct Alicante	\$3,839,481.00 \$1,867,235.00 \$56,480.00 \$307,264.00 \$2,278,000.00 \$367,510.00 \$1,132,401.00
Gilroy Roadway Plaza, LLC Ray Malech 408 315-0194	Garlic Farm Truck Stop	\$2,316,313.00
Glen Loma Developers Tim Filice 408 847-4224	The Forest Subdivision, Gilroy The Forest: Pepper Grass	\$1,342,579.00 \$114,111.00
	San Benito Plaza, Hollister	\$1,616,892.00 \$47,894.00

STATEMENT OF BIDDER'S EXPERIENCE

Penitencia Creek Trail Reach 6 Interim Improvements

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT (

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.